

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

BILLY ADAMS,

Plaintiff,

v.

DISCOVER BANK, EXPERIAN
INFORMATION SOLUTIONS, INC., and
TRANSUNION, LLC,

Defendants.

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1:20-CV-751-RP

ORDER

Before the Court is Plaintiff Billy Adams’s (“Plaintiff”) Notice of Dismissal, in which he dismisses his claims against Defendant Discover Bank (“Discover Bank”) with prejudice. (Dkt. 17). In his Notice, Plaintiff cites Federal Rule of Civil Procedure 41(a)(1)(A)(i), which allows a plaintiff to voluntarily dismiss an action without a court order by filing a notice of dismissal before the opposing party serves an answer or a motion for summary judgment. (*Id.* at 1). Though Rule 41 speaks of dismissing an “action,” the Fifth Circuit has interpreted it to allow plaintiffs to dismiss all of their claims against individual opposing parties. *See Oswald v. Scripto, Inc.*, 616 F.2d 191, 194–95 (5th Cir. 1980); *Plains Growers ex rel. Florists’ Mut. Ins. Co. v. Ickes-Braun Glasshouses, Inc.*, 474 F.2d 250, 254–55 (5th Cir. 1973); *see also* 9 Charles A. Wright, et al. *Federal Practice and Procedure* § 2362 (3d ed. Aug. 2019 update).

Discover Bank has not served an answer or a motion for summary judgment. Plaintiff’s notice is therefore “self-effectuating” and “no order or other action of the district court is required.” *In re Amerijet Int’l, Inc.*, 785 F.3d 967, 973 (5th Cir. 2015), *as revised* (May 15, 2015).

Accordingly, **IT IS ORDERED** that the Clerk shall **TERMINATE** Discover Bank as a defendant in this case.

SIGNED on October 15, 2020.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE